

## AGAINST THE VANDALIA

VINTON A. SAMPLE AWARDED DAMAGES OF \$10,000.

Foreign Banks File Suit in Chancery Against Estate of Edson W. Kidder—Court News.

The largest verdict in a damage suit for personal injuries that has been rendered in the courts of Marion county in several years was brought in yesterday by the jury in Judge Carter's court. The verdict was for \$10,000 in favor of Vinton A. Sample against Volney T. Malott, receiver of the Vandalia. Sample was a brakeman on the Vandalia road and lost his leg by falling under the train.

The suit was for \$25,000 damages. Sample jumped on a box car and the strip stirrup broke, allowing him to swing backward and fall under the train. He managed to throw his body from under the wheels, but one foot was caught and mangled. The injury made an amputation of the leg above the ankle necessary, and after this operation another had to be performed. It was alleged that he cannot use an artificial leg and must walk on a "peg." The two points in contention were that the company was negligent in not seeing that the stirrup on the car was not properly fastened, and that the car had been in possession of the company long enough for it to have discovered the defect and have repaired it. These were the points in contention argued against the railroad company.

## BANKS SUE IN CHANCERY.

Seek to Have Notes of E. W. Kidder Satisfied.

A suit in chancery was filed in the United States Circuit Court yesterday by the First National Bank, of Providence, R. I.; the Mechanics' National Bank, of Providence; the International Trust Company, of Boston; the First National Bank, of Hartford, Conn.; the Girard National Bank, of Philadelphia; the Union National Bank, of Worcester, R. I.; the Old National Bank, of Providence; and the Merchants' National Bank, of Providence, against the Northwestern Mutual Life Insurance Company, Kate Kidder, William R. McKee, Frank McKee and Samuel C. McKee, of the McKee Banking Company, of Terre Haute; Frank Temple, trustee in bankruptcy of W. L. Kidder & Son; Kate Kidder, administratrix of Edson W. Kidder; Philip Best and Frank A. Mosler. The case is the result of litigation between Kate Kidder and the Northwestern Mutual Life Insurance Company, which was remanded back to the Vigo county circuit court by Judge Baker, Friday. The plaintiffs named in the suit filed yesterday hold notes of Edson W. Kidder, the estate of which interests ask that a life insurance policy of \$10,000, payable by the Northwestern Mutual Life Insurance Company, among them, and to secure this caused the insurance company to be made a defendant in a suit filed by Mrs. Kidder asking that the policy be cashed.

The estate of Edson W. Kidder, who was the head of the manufacturing and milling company in Terre Haute bearing his name, was found to be insolvent at his death in January, he owing about \$200,000, and the amount of the receiver's report of the assets of the corporation being but \$25,000, the plaintiffs in the suit filed yesterday allege. Life insurance policies aggregating \$4,000 were carried by Kidder, and one of these, a \$10,000 policy, was held by the Kidder's paper want divided for the satisfaction of notes held by them.

## LONG SESSION PROBABLE.

Many Witnesses Testify in Grave Robbery Cases.

The grand jury is probing away at the grave robbery cases, and it is evident that there will be a long session. Further efforts have been made to extricate Dr. J. C. Alexander from his difficulty, and Newman Kahl, a member of the grand jury, claims he was approached by an unknown physician, who said that Alexander should not be indicted.

Several witnesses other than the negroes now held on the charge were before the grand jury yesterday. Gus Hahel, Charles Medina, John Mann and John Newman were among the witnesses. Hahel testified to loaning Cantrell guns under sanction of Dr. Alexander. Newman testified to the salvage corps, whose station adjoins the Central College of Physicians and Surgeons, told how the bodies were brought into the college after night. Talbot Moore, a member of the grand jury, is distinctly related to Harry Spears, owner of the Mount Jackson Cemetery, who was arrested on a charge of complicity with the grave robbery. John Alfred and Moore would not be removed, and Moore says it makes no reference to him even if Spears is his brother.

## JUDGE BAKER'S ORDER.

Injunction in Patent Rights to Be Decided.

Judge Baker issued an order in the United States Circuit Court yesterday commanding John E. Frederick and Harry Ward, of Kokomo, to show cause why they have violated the injunction granted by the court in the case of Alva L. Kiteelman and Davis M. Kiteelman against the Kokomo Fence Manufacturing Company. The case, decided for the complainant, ended in an injunction protecting the patent rights of the Kiteelmans against the company. The court ordered that Ward and Frederick furnish evidence in rebuttal, both to be heard at the time of the trial, and at the time of the trial agreed upon by both parties and set later.

## AN AGED WITNESS.

Mrs. Euphemia W. Miller Testifies in Police Court.

Mrs. Euphemia W. Miller, eighty-three years old, testified in Police Court yesterday morning against Albert Spears, who was charged with wife-beating. Mrs. Miller is said to be the oldest woman that ever testified in the court. She had been keeping a rooming house on East Ohio street, and one day last week she attacked his wife. This affected Mrs. Miller greatly, who decided to quit keeping roomers. She will now apply for a pension on the grounds of her ancestors' war record. Her grandfather fought in the revolutionary war. Her father was in the war of 1812 and her first husband fought in the Mexican war.

## WANTS \$25,000 DAMAGES.

Complaint of H. D. Phillips Against Street-Car Company.

Henry D. Phillips yesterday filed suit against the street car company for \$25,000 damages. He says he was thrown forward against the back of a seat in a street car which suddenly started as he was starting to alight. He avers that he received internal injuries that have crippled him for life. He says he earned \$200 a month before the accident and at the time of the accident he was in a position to earn \$400 a month.

## George B. Martin's Suit.

George B. Martin yesterday filed suit against William W. Hubbard and Walter J. Hubbard for \$10,000. Martin avers that he and the Hubbards purchased thirty-six acres of land in 1886, each holding a one-third interest. He alleges that the Hubbards induced him to deed his share of the property to them on the representation that they could manage it better or dispose of it to a greater advantage. At their suggestion, he says, he deeded them his share of the property, and they were to hold it in trust. He avers that the Hubbards recently sold the property to the Indianapolis Water Company for \$21,000, and although he has demanded money of them, they refuse to pay it. He avers that the

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Patent Kid Lace Boot, hand-sewed, Louis or Cuban heel, designed for dress or street wear.

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Patent Kid Button Boot, hand-sewed, Cuban heel, very swell; the acme of style.

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DULL KID Lace Boot; welt and flexible sewed soles, Cuban and regular heel; one of the latest ideas.

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Heavy Vici Kid Lace Boot, flexible sole, leather lined, low heel; special style suitable for winter weather.

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Vici Kid Lace Boot, high Cuban and low heel, flexible sole; very dressy, light weight.

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Patent Kid Lace Boot, flexible sole, Cuban and low heel, specially designed for tender feet, yet swell and stylish.

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## GEO. J. MAROTT

26 and 28 East Washington Street.

Quality the foremost consideration at this store.

profits collected on the property while in their possession aggregated \$5,000, in which he avers he did not share.

## Condemnation Proceedings.

Condemnation proceedings were filed in the Circuit Court yesterday by the Union Railway Company to acquire about fifteen feet adjoining its right of way on Prospect street for the purpose of elevating its tracks. Last summer Judge Allen decided in the controversy between the Union Railway Company and the Indianapolis, Shelbyville & Southeastern Traction Company that the traction company must pass under the steam road tracks. To do this it was necessary for the Union Railway Company to raise its tracks three or four feet. This necessitates a wider right of way than the company has, so that a foundation can be built for an embankment, and a petition was filed to condemn the abutting property in order to broaden the right of way.

## Divorce Suit Allegations.

May Moore yesterday brought suit against her husband, Frank F. Moore, for divorce. She alleges that he has failed to make suitable provision for her support and that he has been cruel to her. In addition to a decree she asks the court to require him to furnish for their two children two suits a year each.

## For Permanent Injuries.

James C. Eaton, by Edward Eaton, his next friend, yesterday brought suit against the Parry Manufacturing Company for \$10,000 damages. He says he was employed by the company, and in passing through one of their buildings an iron bar fell on him, inflicting injuries that will be permanent.

## HIGHER COURTS' RECORD.

## SUPREME COURT.

—New Suit.—  
1065. Philander W. Hancher et al. vs. Florence E. Wright et al. Howard S. C. Record. Assignment of errors. Notices (2) served below. —Minutes.—

## APPELLATE COURT.

—New Suit.—  
4623. T. J. Moss Test Company vs. Henry A. Huff. Vanderburg C. C. Record. Assignments of errors. Notices (2) served below. —Minutes.—

## THE COURT RECORD.

SUPERIOR COURT.  
Room 3—Vinson Carter, Judge.

Celtic Savings and Loan Association vs. Frank Tracy et al.; foreclosure. Finding and judgment against defendants for \$1,015 and costs.

Vinton A. Sample vs. Volney T. Malott; receiver; damages. Jury returns verdict for \$10,000 damages for plaintiff.

Circuit Court.  
Henry Clay Allen, Judge.

Bertha Reynolds vs. Wilborn Wilson; franchise of the peace. Judgment by agreement of parties against defendant for \$92.50 and costs, without relief.

Neillie Neenan vs. Ida Wells Findley; slander. Plaintiff declines to plead over, but elects to stand on amended complaint. Judgment on demurrer against plaintiff for costs.

Allen F. Majors vs. Minnie Bauman; to commit to Indiana School for Feeble-Minded Youth. Submitted to court. Evidence heard.

## NEW SUITS FILED.

Henry D. Phillips vs. Indianapolis Street-railway company; damages. Demand \$25,000. Superior Court, Room 1.

James C. Eaton, by Edward Eaton, his next friend, vs. the Parry Manufacturing Company; damages. Demand \$10,000. Superior Court, Room 2.

George B. Martin vs. Willard J. Hubbard et al.; for recovery of money. Superior Court, Room 2.

Cordelia Smith vs. Samuel Bailey et al.; quiet title. Superior Court, Room 2.

J. C. Perry & Co. vs. John P. Tarpey et al.; on note. Superior Court, Room 3.

Maria T. Waterman vs. James R. Waterman; divorce. Circuit Court.

Lizzie Thompson vs. George Thompson et al.; partition. Circuit Court.

May Moore vs. Frank F. Moore; divorce. Superior Court, Room 2.

## WANT SIMPLE JUSTICE

DR. J. C. ALEXANDER'S FRIENDS ARE NOT OVERZEALOUS.

Dr. Buehler Declares that Word of Accused Man Should Be Supported Rather than a Ghouls.

Dr. Eugene Buehler, secretary of the City Board of Health, denied yesterday that he had approached Prosecutor Ruckelshaus with the statement that if he, Ruckelshaus, was overly zealous in performing his duties as prosecutor and securing the indictment of Dr. Joseph Alexander for being an accessory to the ghouls, who are now before the grand jury, the physicians of the Central College would try to defeat his re-election. He says that he spoke to Ruckelshaus of the attitude of the faculty of the Central College of Physicians and Surgeons and told him that the members of the faculty would provide the necessary money to employ counsel for Alexander and would use every honorable means to secure his release from the charge. He says that the majority of the members of the faculty do not feel that Alexander is guilty, and they, conscientious in this belief, will help him to the extent of providing for financial assistance.

"We do not want to get Dr. Alexander out of this if he is guilty," said Dr. Buehler. "We do not think that he is guilty and when it is necessary we will do everything possible to get him out of the trouble, if nothing turns up to indicate his guilt and convince us of it. If he is guilty he should be punished to the full extent of the law, and I for one, and I think I am supported in the belief by the other members of the faculty, believe he should be punished if he has done anything to be punished for. Ruckelshaus did not seem to regard our conversation as confidential and has talked it off and made several statements that do not do me justice."

## NO THREATS MADE.

"I never threatened Mr. Ruckelshaus," continued Dr. Buehler, "with defeat at the polls if he prosecuted Alexander. We do not want politics to enter into this at all. What we want is for the ghouls charges to be handled justly by the grand jury, and in order to insure this I talked with the prosecutor on the status of the case. At the faculty meeting at which it was decided to support Alexander twenty-five of the leading physicians of the city, members of the college faculty and other physicians not connected with the school, were present, and it was the unanimous opinion of the body that the doctor was not guilty, and that he should be treated as a friend and professional brother, should be supported instead of the word of a negro who was discharged from the United States army for insanity, and who has certainly lied in many particulars since this investigation started. At the meeting it was stated by one or two men that if Ruckelshaus would not try to bring in evidence to help Alexander out as well as to secure his indictment the medical fraternity should defeat his plans for re-election, but the more conservative and wise-headed members said that to do this would be both foolish and unprofessional, and I for one declared that the result of this investigation by the grand jury would not interfere with my voting the entire Republican ticket and working for the election of it."

## New Business Concerns.

Articles of Incorporation were filed yesterday with the secretary of state by the Sullivan County Coal Company, with a capital stock of \$100,000. Charles H. Ehrmann, William M. Britton, W. J. Murdoch, Roy M. Cliver and Stuart L. Ferrell are the directors of the company.

The Huntington & Winona Traction Company, of South Whitley, filed articles

of incorporation, with a capital stock of \$10,000. The directors of the concern are George Lee, Ed B. Bowers, Charles R. Banks, M. W. Webster and E. L. Eberhard.

The notice of the articles of incorporation of the Buena Vista Oil Company should have been as follows: The Buena Vista Oil Company incorporates, with a capital stock of \$100,000, with headquarters at Atlanta, Hamilton county, and the following directors: Henry C. Utz, Daniel Achenbach, John G. Dunn, M. N. Whistler, F. W. Sumner, Thomas C. Day and Henry Roads.

## CITY NEWS NOTES.

The American Dancing Club will dance to-morrow evening at the Brenneke Academy.

The Legendary Club will give a card party at St. Joseph's Hall Wednesday evening.

Queen Esther Auxiliary will meet with Mrs. Anna Rafenberger on Friday next at 1424 Fletcher avenue.

There will be a camp fire at Pearson's Hall on the evening of Oct. 21, given by the ladies of the W. E. C.

Naomi Auxiliary will be entertained at the home of Mrs. Rubin, 1211 Hoyt avenue. She will be assisted by Mrs. Haller.

Major Robert Anderson Post, W. E. C., will have an apron and handkerchief sale and supper at Pearson's Hall Wednesday, Nov. 13, from 2 to 10 p. m.

Mr. and Mrs. Charles Cier, of 2910 College avenue, will entertain the Woman's Auxiliary of Railway Postal Clerks and their husbands to-morrow evening at 8 o'clock.

A brother of John J. Appel, of this city, D. F. Appel, who lives in Boston, has been elected one of the vice presidents of the National Association of Life Underwriters at Cincinnati.

At the annual meeting and banquet of the Indiana Society of Sons of the Revolution at the University Club to-morrow evening the Hon. Addison C. Harris will make the principal address.

## Letter from South Africa.

A recent letter to his parents in this city from Mr. Henry Rentsch, who is in the gold-mining business in South Africa, inclosed two claws of a lion killed by him.

That once seemed possible! Did you send a money order on the Indianapolis postoffice for the purchase of some wearing apparel as a gift for the local missionary's wife. The order was drawn by the office at Bulawayo, a town in southern Rhodesia several hundred miles north of the Transvaal country, and in a region inhabited principally by wild natives.

## Mrs. Thayer's Injuries.

Mrs. Mollie Thayer, living at No. 629 North Noble street, was painfully injured last night at 6:30 o'clock. She was riding a bicycle and was struck at the corner of Market and New Jersey streets by Mr. William Lyman, who was riding in a bus.

Mrs. Thayer was thrown from her bicycle. She received injuries about the face and head. She was picked up unconscious and taken to the City Dispensary, where her injuries were dressed by Dr. Kennedy.

## Bond Not Approved.

The Marion County Hot Water Heating Company filed its bond of \$100,000 with the Board of Public Works yesterday through its president, Charles N. Thompson. The bond, which is made through the National Surety Company, was not approved by the board, and will not be considered until the concession of territory asked by the company is made.

## What We Might Have Been.

Have we not all, amid earth's petty strife, Some pure ideal of a nobler life? That once seemed possible! Did you send a money order on the Indianapolis postoffice for the purchase of some wearing apparel as a gift for the local missionary's wife. The order was drawn by the office at Bulawayo, a town in southern Rhodesia several hundred miles north of the Transvaal country, and in a region inhabited principally by wild natives.

And now live in a vain regret, But still our place is kept, and it will wait, Ready for us to fill it, soon or late. No star is ever lost we once have seen; We always may be what we might have been! Since God, the only thought, his life and breath—

God's life—can always be redeemed from death; And evil, in its nature, is decay. And any hour can blot it all away; The hopes that live in some far distance seem May be the truer life and this the dream.

—Adelaide Anne Proctor.

## \$10,000 FOR INSTITUTE

A. J. BRUNT, OF ANDERSON, SUBSCRIBES THAT SUM.

The Task of Securing the Remaining \$38,000 Will Now Be Pushed with Vigor.

Although the past week has been largely one of gayety, the canvassing for the technical institute continues, and those in charge of the subscriptions have not been idle. A subscription that gave the promoters encouragement was that of \$10,000 received yesterday from Mr. A. J. Brunt, whose home is in Madison county, near Anderson. He is a farmer and banker in that locality, and his subscription was solicited by Sol C. Dickey. Mr. Brunt visited the arsenal grounds with Mr. Dickey yesterday and expressed himself as very much pleased with the location for the proposed school.

The total amount subscribed before Mr. Brunt's gift was \$100,000, and the necessary amount to get the technical institute is \$150,000. The remaining \$50,000 was divided into two parts of \$25,000 each, one part to be raised by Mr. Dickey and the other by Albert Balm and G. W. Brown. The subscription of Mr. Brunt of \$10,000, is part of the amount that Mr. Dickey is trying to raise. It is said that the remaining \$15,000 to be secured by Mr. Dickey is in sight. This leaves \$25,000 for Mr. Balm and Mr. Brown to get. They succeeded in obtaining about \$2,000 last week and hope to be able to procure the balance. This week the work of adding to the fund will be pushed with more vigor, as there is not a great while left in which to raise the money. It is believed that the entire amount will have to be raised by Nov. 1.

The method of securing subscriptions this week will be continued along the same lines as before, and the business men and business houses will be visited in an effort to get the required sum. Mr. Brown says that people should not think that the battle has been won by any means, but that there is a good deal of work to be accomplished yet. He hopes, however, that the coming week will bring a large amount of subscriptions and that the technical school may be secured for Indianapolis. He does not want it thought by the people of this city that small amounts are not acceptable, but he wishes it understood that \$25,000 is a big sum of money to raise and that every cent helps to secure the necessary amount.

## Bridge Contract Awarded.

The County Commissioners yesterday awarded the contract for a bridge over Leek creek to the Lafayette Engineering Company for \$38. The contract for the masonry of the bridge was awarded to Samuel Robbins at \$7.94 a yard. The contract for building a sewer at the Julietta Insane Hospital was awarded to Anderson Bruner for \$25.

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1-KURE-U, the great herb remedy, will prevent this dreaded disease. Sold by The George Sloan Drug Co., Huder's and other leading drug stores.

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Cold feet and hands indicate poor circulation of the blood and a nervous predisposition to take Cold.

Most Colds start with checked circulation, known by a chill or shiver, cold feet and hands.

The use of "77" starts the blood coursing through the veins, the extremities warm up, and the Cold is broken.

Dr. Humphreys' "77" consists of a small vial of pleasant pellets—fits the vest pocket.

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